
A BILL FOR AN ACT

RELATING TO FIREWORKS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 PART I

2 SECTION 1. The legislature finds that the widespread use
3 of illegal fireworks poses an extreme danger and lethal risk to
4 public health and safety, resulting in fires, serious burn
5 injuries, and fatalities to innocent bystanders. The cost to
6 the community far outweighs any intrinsic benefit, as numerous
7 lives have been lost over the years from the use of illegal
8 fireworks. The potential for wildfires in this time of climate
9 change is a real and present danger and is a top priority on all
10 levels of government today.

11 The legislature further finds that tragedies in the State,
12 including the Aliamanu New Year's Eve explosion of 2024 that
13 claimed at least four lives, seriously impacts entire
14 neighborhoods in urban Honolulu and across the State. Fireworks
15 also emit excessive smoke and other toxins into the air, making
16 breathing difficult for thousands of Hawaii residents with
17 respiratory ailments. Noise from loud fireworks traumatizes



1 many residents, particularly war veterans who may suffer from
2 post-traumatic stress from being in combat. Pets and vulnerable
3 species in their natural habitats also suffer each holiday
4 season when fireworks noise and environmental pollution levels
5 are especially high.

6 The legislature recognizes that, with the increase in
7 fireworks-related calls, public safety agencies are heavily
8 strained to maintain adequate response levels for other critical
9 emergencies, which adds to the cost of state and county
10 resources that could be used for natural disasters and other
11 emergencies. These agencies are often overwhelmed and are not
12 able to stop the thousands of illegal fireworks being used,
13 making it a death trap for thousands of innocent lives who are
14 not involved in illegal fireworks use.

15 The legislature also finds that Hawaii's communities
16 deserve to live in peace and security without the public safety
17 risk and disruptive impact of illegal fireworks. There can be no
18 more gray areas when lives are lost while this black market
19 flourishes.

20 The legislature believes that intelligence-led policing and
21 criminal surveillance of illegal fireworks can be effective



1 approaches in deterring the use of illegal fireworks. An
2 investment of funds to conduct sting operations by law
3 enforcement to enforce fireworks ordinances or laws on Oahu is
4 one of the first steps to effectively reducing the use of
5 illegal fireworks in the State.

6 The legislature also notes that Act 84, Session Laws of
7 Hawaii 2021, which authorizes a court to order the forfeiture of
8 one-half of the employees' retirement system (ERS) benefits of
9 an ERS member, former member, or retirant upon conviction of the
10 individual for a felony related to the state or county
11 employment of the individual, was enacted to demonstrate that
12 the State takes the ethics of its employees seriously. This Act
13 would similarly authorize a court to order the forfeiture of
14 one-half of any pension benefits of an ERS member, former
15 member, or retirant upon conviction of the individual of a
16 felony for certain uses of prohibited fireworks to demonstrate
17 that the State also takes the illegal distribution and use of
18 fireworks by state employees seriously.

19 Accordingly, the purpose of this Act is to:

- 20 (1) Appropriate funds for the Honolulu police department
21 and department of law enforcement to conduct sting



1 operations on Oahu to enforce fireworks ordinances or
2 laws; and

3 (2) Authorize a court to order the forfeiture of one-half
4 of any pension of an employees' retirement system
5 member, former member, or retirant upon conviction of
6 the individual for a felony related to certain uses of
7 prohibited fireworks.

8 PART II

9 SECTION 2. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$500,000 or so much
11 thereof as may be necessary for fiscal year 2025-2026 and the
12 same sum or so much thereof as may be necessary for fiscal year
13 2026-2027 for the Honolulu police department to conduct sting
14 operations on Oahu to enforce chapter 132D, Hawaii Revised
15 Statutes, and chapter 20, article 6, Revised Ordinances of
16 Honolulu.

17 The sums appropriated shall be expended by the city and
18 county of Honolulu for the purposes of this Act.

19 SECTION 3. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$500,000 or so much
21 thereof as may be necessary for fiscal year 2025-2026 and the



1 same sum or so much thereof as may be necessary for fiscal year
2 2026-2027 for the department of law enforcement to conduct sting
3 operations on Oahu to enforce chapter 132D, Hawaii Revised
4 Statutes.

5 The sums appropriated shall be expended by the department
6 of law enforcement for the purposes of this Act.

7 PART III

8 SECTION 4. Chapter 88, Hawaii Revised Statutes, is amended
9 by adding a new section to be appropriately designated and to
10 read as follows:

11 "§88- Forfeiture of benefits; fireworks. (a) If a
12 member, former member, or retirant is convicted of a felony
13 under section 132D-14, the court may decree pursuant to section
14 706-605(8) a civil penalty of forfeiture by the member, former
15 member, or retirant of one-half of any pension to which the
16 member, former member, or retirant may otherwise be entitled
17 under this chapter; provided that upon the death of the member,
18 former member, or retirant, the designated beneficiary of the
19 member, former member, or retirant may receive the reduced
20 benefits to which the member, former member, or retirant would
21 be entitled under this section; provided further that a



1 designated beneficiary who is also convicted of a felony based
2 on the same set of circumstances as the member, former member,
3 or retirant who were subject to civil penalty under this
4 section, shall not receive any benefits.

5 (b) Upon receipt of a certified copy of the order
6 decreeing forfeiture, the system shall comply with the order and
7 shall reduce, suspend, or deny payment to the member, former
8 member, retirant, or designated beneficiary, if applicable, as
9 provided in the order until such time as the system receives a
10 certified order to:

11 (1) Increase, resume, or make payments to the member,
12 former member, retirant, or designated beneficiary; or

13 (2) Quash or reverse the decree of forfeiture.

14 The system shall not be required to make inquiry into the
15 propriety of the order decreeing forfeiture or recoup any
16 payments made to the member, former member, retirant, or
17 designated beneficiary prior to receipt by the system of the
18 order decreeing forfeiture.

19 (c) This section shall not impair or diminish benefits
20 accrued prior to the effective date of Act , Session Laws of
21 Hawaii 2025.



(d) This section shall not apply to felonies committed
prior to the effective date of Act _____, Session Laws of Hawaii
2025.

(e) This section shall not apply to accrued retirement
benefits that are non-forfeitable pursuant to sections 88-73(f),
88-281(g), and 88-331(f)."

PART IV

SECTION 5. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval; provided that part II of this Act shall take effect on July 1, 2025.

INTRODUCED BY:

JAN 17 2025



H.B. NO. 806

Report Title:

Fireworks; Honolulu Police Department; Department of Law Enforcement; Appropriation; Pension

Description:

Appropriates funds for the Honolulu Police Department and Department of Law Enforcement to conduct sting operations on Oahu to enforce fireworks ordinances or laws. Authorizes a court to order the forfeiture of one-half of any pension of an Employees' Retirement System member, former member, or retirant upon conviction of the individual for a felony related to certain uses of prohibited fireworks.

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